

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL, CIVIL JURISDICTION
WRIT **PETITION NO.1990 OF 2005**

Balkrishna N. Purusha & Ors..Petitioners

Vs.

The Deputy Collector (Enc/EVC)

& Anr.

..Respondents

Mr. V.R. Tripathi, for the Petitioner

Mr. K.R. Belosey, AGP for respondent Nos. 1 and 2.

CORAM: **F.I. REBELLO &**

ANOOP V. MOHTA, JJ.

DATE: 25th SEPTEMBER 2006

P.C.

. Rule. Heard forthwith.

2. Learned AGP waives notice on behalf of respondent Nos. 1 and 2. The petitioners have approached this Court to set aside the notice dated 18th April, 2005. It is the case of the petitioners that admittedly they were holding photo passes which were issued from the year 1976 and they were held to be eligible for protection for an area upto 225 sq.ft. for residential purpose. A notice came to be served upon them to deposit the said photo passes for issuing new photo passes. Thereafter further notice was issue on 18th April, 2003 setting out that the

photo passes was issued under the Scheme Hut Dweller Survey-2000 on the basis of earlier photopasses. It was set out that the subsequent photopasses were issued under mistake and, therefore, the petitioners were called upon to return the Hut Dweller Survey -2000 photopasses. It was further made clear that the petitioners are protected under the photopasses issued in the year 1976. Learned AGP on instructions confirms the same. Considering the above as the petitioners are protected having their structures before cutoff date 1st January, 1995 they will be entitled to rehabilitation and to an area admeasuring 225 sq.ft. Once that be the case the question of granting relief in the present petition prayed for does not arise. With the above observation petition stands disposed of.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA, J.)